

REMARKS

Claims 1-8 continue to be rejected under 35 USC 103(a) as unpatentable over Gorsuch in view of Jamal. The rejection is respectfully traversed for the reasons presented in the after-final amendment dated April 20, 2006 (entered with the filing of the Request for Continued Examination), and for the following reasons.

In response to the Arguments presented in the April 20, 2006 Amendment, the Examiner mailed an Advisory Action commenting that the arguments do not place the application in condition for allowance because “[t]he combination of Gorsuch and Jamal teaches a device as claimed. Jamal teaches synchronizing to a selected downlink common control channel and acquiring specific parameters from the selected common control channel including common channel information (see col. 7, lines 39-50), this relates to applicant’s claimed ‘a common channel description transmitted to the subscriber station’”. Gorsuch and Jamal are combinable in that the [sic] both relate to efficient resource allocation in communication systems that handle a variable number of users (Gorsuch, col. 3, lines 62-67) and (Jamal, col. 2, lines 51-53).” Applicant’s respectfully disagree.

The Examiner appears to gloss over Applicant’s remarks that the claimed invention requires a common channel, i.e. a description related to a plurality (or number) or channels, and information related to the order in which the plurality of channels may be used to transmit data for one transmission direction. Rather, the Examiner simply states that Jamal teaches “a common channel description transmitted to the subscriber station.” Again, there is no disclosure in Jamal of the number of channels or the order in which the channels may be used to transmit data.

Additionally, while the Examiner notes that Gorsuch and Jamal are “combinable” because they “relate to efficient resource allocation in communication systems that handle a variable number of users[,]” there is no reason why the skilled artisan would have been motivated to combine the references. It is not sufficient that the cited references simply be in the same field of endeavor in order to meet the *prima facie* case of obviousness. Rather, one having ordinary skill in the art at the time of the invention must have been motivated to combine the references. Here, there

is simply no reason why that would have occurred. More specifically, in Gorsuch, a number of channel resources are assigned to a number of subscriber units. In Jamal, on the other hand, information is sent between a base station and multiple subscribers. That is, the mobile stations in Jamal receive broadcast parameters. However, the parameters transmitted by the base station in Jamal do not contain any common channel description showing number of channels and/or the order. Therefore, it would logically follow that a skilled artisan, with the knowledge of Gorsuch and Jamal, would at best transmit separate channel parameters for each of the number of channels when assigning the channels to a mobile station. They would not, however, arrive at the claimed invention.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122010700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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